

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                           |   |                     |
|---------------------------|---|---------------------|
| RICKY WAYNE TOLBERT, JR., | ) |                     |
| ID # 32656-177,           | ) | CIVIL ACTION NO.    |
|                           | ) |                     |
| Petitioner,               | ) | 3:16-CV-1966-G (BH) |
|                           | ) |                     |
| VS.                       | ) |                     |
|                           | ) | CRIMINAL ACTION NO. |
| UNITED STATES OF AMERICA, | ) |                     |
|                           | ) | 3:04-CR-278-P       |
| Respondent.               | ) |                     |

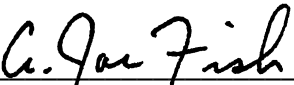
**ORDER ACCEPTING FINDINGS AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the court is of the opinion that the findings and conclusions of the magistrate judge are correct and they are accepted as the findings and conclusions of the court. For the reasons stated in the findings, conclusions, and recommendation of the United States Magistrate Judge, the motion to vacate, set aside or correct sentence filed under 28 U.S.C. § 2255 is successive and will be **TRANSFERRED** to the **United States Court of**

**Appeals for the Fifth Circuit** pursuant to *Henderson v. Haro*, 282 F.3d 862, 864 (5th Cir. 2002), and *In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997) by separate judgment.

**SO ORDERED.**

August 1, 2016.

  
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A. JOE FISH  
Senior United States District Judge